

CHAK

004

IN THE HONOURABLE HIGH COURT OF CHHATTISGARH AT
BILASPUR

WRIT PETITION NO. 2260 /2003

PETITIONER

Amrit Kumar Mendhe, son of Shri
Govind Mendhe, aged about 43
years, Patwari, P.H. No.11,
Pendraavan, Tah. Narharpur,
Distt. Kanker (Chhattisgarh).

P. N. No. 2115/03
Presented by Shri Arun S. G.
dated 26.02.03

VERSUS

RESPONDENTS

1

State of Chhattisgarh, through :
Secretary, Department of
Revenue, Mantralay, D.K.S.
Bhawan, Raipur.

2.

Phool Singh, Jurry, son of "Not
Known", Patwari, P.H. No. 13
Bandapal, Tah. Antagarh, Distt.
Kanker (Chhattisgarh)

RECEIVED COPY.
26/2/03
BILASPUR

PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 2260 सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>27.07.2005</u> Shri R.N. Jha, learned counsel for the petitioner. Shri Vivek Sharma, Panel Lawyer for the State/ respondent no.1. None for respondent no.2. Heard. This petition has been filed against the impugned order dated 16.07.2003 (Annexure P-1) by which the earlier transfer order issued in favour of the petitioner on 27.6.2003 has been cancelled. Learned counsel for the petitioner submits that the petitioner is working as Patwari in P.H.No.11, Tahsil Narharpur, Distt. Kanker. By earlier order dated 27.6.2003 (Annexure P-7) he was transferred from Tahsil Narharpur to Distt. Rajnandgaon on his own expense. He further submits that this order was cancelled by the impugned order Annexure P-1 just within 20 days without assigning any reason. Learned counsel for the petitioner submits that since the petitioner was not relieved in pursuance of the earlier order dated 27.6.2003, therefore, he could not join before passing of this order of cancellation. He also submits that the petitioner is working in District Bastar and Kanker for the last 20 years and the aforesaid transfer order was	

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	affected on his own request because the parents of the petitioner reside in the State of Maharashtra which is nearer to Rajnandgaon. On the other hand, learned counsel for the respondents submits that transfer is an exigency of service and a person appointed on a transferable post cannot challenge either the order of transfer or any such cancellation which in fact, is consequence of administrative exigency of an employer. There is no doubt in the mind of this court regarding the proposition narrated by learned counsel for the State, but the anxiety of the Court is as to why an order of transfer which was made on the request of a person after staying for a long period at a particular place was cancelled by the State without assigning any reason. It is the responsibility of the employer to see that a situation may not arise with the employee, which may affect his work or work of the employer which may not suffer due to uncomfortable position of the employee concerned for his personal reasons. These may not be the grounds for cancellation of the order of transfer but these are certainly the grounds to which an employer is always concerned. This court is not going to pass any order just now on the impugned order of cancellation dated 16.7.2003, but this court thinks it proper to issue a direction to the	

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	petitioner to file a detailed representation before the concerned authority of the State Government raising all his personal grievances, which have been argued before this Court, by way of representation and it is expected that the authority of the State Government will decide the said representation by considering all the points raised by the petitioner in accordance with law. The representation may be filed within a period of 15 days from today alongwith the certified copy of this order and the authority shall take decision on the said representation ⁱⁿ with a period of one month from the date of filing of the said representation. With the aforesaid observations I deem it proper to dispose of this writ petition at this stage. It is made clear that if the petitioner would not be satisfied by the decision taken by the State on the representation filed by him, he shall be at liberty to approach this Court once again. Accordingly, this petition stands finally disposed of.	Sd/- Sunil Kumar Sinha Judge

Rao